

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM R. KLEMME, M.D.,

No. C-03-4957 MMC

Plaintiff,

ORDER OF DISMISSAL

v.

NORTHWEST AIRLINES, INC.,

Defendant.

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The Court having been advised that the parties have agreed to a settlement of the above-titled action, the Court having vacated the Order of Dismissal of July 25, 2007 to allow plaintiff to amend his complaint for the sole purpose of adding plaintiff's wife as a plaintiff with a single cause of action for loss of consortium, whereupon the Court would reinstate the Order of Dismissal, and plaintiff having filed his amended complaint with said addition,


IT IS HEREBY ORDERED that said action be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereof on opposing counsel, that the agreed consideration for the settlement has not been delivered, the foregoing order shall stand vacated and the action

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1 shall forthwith be restored to the calendar to be set for trial.

2 **IT IS SO ORDERED.**

3 Dated: October 15, 2007

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MAXINE M. CHESNEY
United States District Judge